

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 03-1191

William Howerton,

Appellant,

v.

Jo Anne B. Barnhart, Commissioner,
Social Security Administration,

Appellee.

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Appeal from the United States
District Court for the Western
District of Arkansas.

[UNPUBLISHED]

Submitted: September 12, 2003

Filed: September 18, 2003

Before BYE, FAGG, and HANSEN, Circuit Judges.

PER CURIAM.

William Howerton sought supplemental security income benefits asserting he was disabled by fused lumbar discs since April 9, 1997. After a hearing and a supplemental hearing, an administrative law judge (ALJ) concluded Howerton could not return to his past relevant work as a construction laborer, but retained the residual

functional capacity to perform light work, and thus was not disabled. The Appeals Council denied further review, and the district court* affirmed.

Because substantial evidence on the record as a whole supports the ALJ's decision, we affirm the denial of benefits. First, the ALJ properly discounted the opinion of Howerton's treating orthopedic surgeon. On June 17, 1998, the surgeon stated Howerton had been disabled since April 9, 1997, but the statement is contradicted by the surgeon's own medical reports and the surgeon's later statements as early as December 1998 that Howerton could engage in light to moderate activity. See Haggard v. Apfel, 175 F.3d 591, 595 (8th Cir. 1999). The ALJ also properly assessed Howerton's residual functional capacity. On December 2, 1998, at Howerton's request, his surgeon released him to return to light to moderate work activity, with restrictions only against "heavy" lifting, twisting, or bending. A year later, the surgeon assigned Howerton an impairment rating of only 16% to the body as a whole and released Howerton to light to moderate activity with no noted restrictions. Thus, substantial evidence supports the ALJ's decision that Howerton retained the capacity for light work activity without any significant nonexertional limitations.

We affirm on the basis of the district court's memorandum opinion and judgment. See 8th Cir. R. 47B.

*The Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas.